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March 6, 2024

**VIA ELECTRONIC FILING**

Honorable Zahid N. Quraishi, U.S.D.J  
United States District Court  
Clarkson S. Fisher Building  
402 East State Street  
Trenton, New Jersey 08608

**Re: Kim, et al. v. Hanlon, et al.**  
**Docket No. 3:24-cv-01098-ZNQ-TJB**

Dear Judge Quraishi:

We write regarding the Court's directives regarding motion practice on the February 29, 2024 scheduling call [Docket Entry No. 39]. During that hearing, the Court advised that it was not inclined to entertain any dispositive motions in advance of the March 18, 2024 hearing. 2/29/24 Tr. 15:11-16:4.

In preparing an opposition to Plaintiffs' voluminous emergent application, it has become apparent that the proper vehicle by which to raise certain legal deficiencies with same is via a narrowly tailored cross-motion under Rule 12. Thus, in accordance with L. Civ. 12.1, we anticipate filing a notice of cross-motion with our opposition briefing to ensure Plaintiffs have proper notice of defendants' legal assertions. We also anticipate incorporating the arguments for said motion into a combined brief since they are inextricably intertwined with the pending motion for a preliminary injunction.

We do not believe that this cross-motion should delay proceedings on Plaintiffs' emergent motion, but rather, it is intended to set forth fatal legal deficiencies in Plaintiffs' filing that require denial of the pending application and dismissal of the action. As will be set forth in more detail in our briefing, Plaintiffs had adequate time and opportunity to avoid these infirmities, but the existence of same mandate dismissal under the Federal Rules and relevant precedent within this Circuit.



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We thank the Court for its continued assistance with this matter.

Respectfully,

**GENOVA BURNS LLC**

/s/ Rajiv D. Parikh  
RAJIV D. PARIKH

RDP:dmc

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